

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

IN RE:
Calvin Donnell Roseboro

Case No. 16-40337

Chapter 13

SSN# : XXX-XX-6061

**TRUSTEE'S NOTICE OF COMPLETION OF MORTGAGE ARREARAGE CURE PAYMENTS AND
MOTION TO DEEM MORTGAGE LOAN ACCOUNT CURRENT**

REAL PROPERTY CREDITOR: Rushmore Loan Management Services
(Clerk Claim # 5, Trustee Claim # 4)

Pursuant to Fed. R. Bank. P. 3002(f)-(i) and the Court's "Administrative Order Amending Procedure for the Disbursement of Post-Petition Conduit Mortgage Payments" entered on 11/30/2011, the undersigned Chapter 13 Trustee hereby provides notice and moves the Court as follows:

1. The debtor's Chapter 13 plan was confirmed by Court Order on: 11/3/2016.
2. The debtor's plan contained provisions for payment by the debtor through the Chapter 13 Trustee of all required conduit mortgage payments and all of the cure payments for any pre-petition and/or post-petition arrearages for the above-named real property creditor.
3. The real property creditor, including successors, assignees, or transferees, is: Rushmore Loan Management Services (Clerk Claim # 5, Trustee Claim # 4).
4. The debtor has completed payments to the Trustee under the Chapter 13 plan as confirmed, with any post-confirmation amendments or modifications.
5. The final plan payment needed to complete the debtors' plan was received by the Trustee on 11/12/2021 for disbursement on 11/30/2021 and included a final conduit mortgage payment to the real property creditor for credit in October 2021.
6. All conduit mortgage payments, including any arrearage payments, and any cost advances or other contractual expense claims that have been formally allowed by the Court, will have been made to the real property creditor and as of October 2021, the real property creditor will have been paid to a current status.
7. The debtor's responsibility to resume regular timely mortgage payments directly to the real property creditor begins with the November 2021 mortgage payment. Separate notice has been provided to the debtor.
8. The Trustee's history of the conduit mortgage payment disbursements is available for review upon request and, if needed, shall be tendered to the Court if a hearing is required.
9. The status of the debtor's mortgage loan account with the real property creditor should be deemed contractually current pursuant to paragraph #5 of the Court's Administrative Order cited hereinabove.

Wherefore, the Trustee respectfully provides notice and moves the Court for an order providing as follows:

1. The real property creditor will be current on all mortgage payment requirements up to and including the October 2021 payment;
2. That the debtor shall resume direct mortgage loan payments to the real property creditor with the first such direct payment to be credited by the real property creditor for the payment contractually due for November 2021;
3. The Chapter 13 Trustee's responsibilities under the plan to the real property creditor and to the debtor have been satisfied; and
4. For such other relief as is appropriate and just.

Dated: 11/17/2021

Steven G. Tate
Chapter 13 Trustee

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NOTICE OF OPPORTUNITY FOR HEARING

TAKE NOTICE that the Chapter 13 Trustee has filed papers with the Court as follows: Motion to Deem Mortgage Loan Account Current. A copy of these paper(s) is included with this Notice or copied on the reverse side of this Notice.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief requested by the Trustee, or if you want the Court to consider your views on this matter, then on or before 1/20/2022, you or your attorney must do three things:

1. File with the Court a written response requesting that the Court hold a hearing and explaining your position. File the response at:

Clerk, U.S. Bankruptcy Court
401 W Trade St, Suite 2500
Charlotte, NC 28202

If you **mail** your response to the Court for filing, you must mail it early enough for the Court to **receive** it on or before the deadline stated above.

2. On or before the date stated above for written responses, you must also serve a copy of your response to any other party required to be served by law.

3. Attend the hearing scheduled as listed below.

If you file a response, then a hearing will be held at the following time and place:

Date: 1/28/2022

Time: 9:30 AM

Location: Cleveland County Courthouse
Courtroom #5
100 Justice Place
Shelby, NC 28151

If you or your attorney do not take these steps, **a hearing will not be held**, and the Court may decide that you do not oppose the relief sought in the matter and may enter an order granting the relief sought.

Dated: 11/17/2021

Steven G. Tate, Chapter 13 Trustee
212 Cooper St
Statesville, NC 28677-5856
(704) 872-0068 | general@ch13sta.com

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CERTIFICATE OF SERVICE

The parties whose names and addresses are listed below were served by United States first class mail, postage prepaid on 11/17/2021.

A. Owens

Office of the Chapter 13 Trustee

Benjamin A Barco Atty, Brock & Scott PLLC, 5431 Oleander Dr Ste 200, Wilmington, NC 28403-5857
Calvin Donnell Roseboro, 102 Smarr Acres, Kings Mountain, NC 28086-9222
Mark A Baker, McMichael Taylor Gray LLC, 3550 Engineering Drive Suite 260, Peachtree Corners, GA 30092
Rushmore Loan Management Services, PO Box 52708, Irvine, CA 92619-2708
Rushmore Loan Management Services, PO Box 55004, Irvine, CA 92619-2708